

## REMARKS

Applicants submit this Amendment and Response to Restriction Requirement ("Amendment") in reply to the Office Action mailed October 17, 2005.

By this Amendment, Applicants have cancelled claims 26-30, without prejudice or disclaimer, amended claims 16, 21, and 22, and added new claims 31-64. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 16, 21, and 22, and new claims 31-64. No new matter has been introduced.

Before entry of this Amendment, claims 16-30 were pending in this application. After entry of the Amendment, claims 16-25 and 31-64 are pending in this application. Claims 16, 22, 23, and 24 are the sole independent claims.

Page 2 of the Office Action required Applicants to elect one of the following allegedly distinct inventions for prosecution:

- I. Claims 16-25, allegedly drawn to an implant.
- II. Claims 26-30, allegedly drawn to a surgical method.

Without necessarily agreeing with the characterizations made in the Office Action, Applicants respectfully elect Group I, claims 16-25 for prosecution, without traverse. Accordingly, Applicants have cancelled claims 26-30. Applicants reserve the right to pursue the subject matter of cancelled claims 26-30 in another application, for example, an application claiming priority to this application.

Page 2 of the Office Action also required Applicants to elect one of the following allegedly patentably distinct species for prosecution: Fig. 1A; 1C; 2A; 2D; 3A; 14D; 15A; 16; 17B; 18A; 19A; 20; 22; and 23. Without necessarily agreeing with the


characterizations made in the Office Action, Applicants respectfully elect Fig. 3A for prosecution, without traverse. At least claims 16, 18-22, 24, and 31-64 read on Fig. 3A.

Please grant any extensions of time required to enter this Amendment and charge any required fees not otherwise provided for to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: January 10, 2006

By:   
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